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Aug.-Sept., 1997

NEWSLETTER

98-001

Check out our new web site

The State Ethics Commission is officially on the world wide web; however, our web site is still under partial construction. We hope to have our web site completed this month. Our address is :

www.state.sc.us/ethics

Our web site contains all the formal opinions, lobbyist/lobbyist's principal information with a link to legislative printing for a listing of all registered lobbyists and lobbyist's principals, and information on filing the required Campaign Disclosure Form and Statement of Economic Interests Form.

October 10 Filing Deadlines

All lobbyists and lobbyist's principals are reminded that their disclosure forms are due *in this office* prior to October 10. Forms were mailed on September 2. If you are required to file and have not received your forms, please call Hannah King at the Commission office.

All candidates for public office and those individuals with an active campaign account are required to submit the Campaign Disclosure Form prior to October 10 for the period of July 1 through

September 30. If you are required to submit the Campaign Disclosure Form and need one, please call the Commission office with your request.

Training Sessions

We are continuing to offer training sessions for lobbyists/lobbyist's principals, public employees, and candidates for public office. If you are interested in attending any of the following classes, please call Hannah King at the Commission office to register. All training sessions are free of charge. Classes are held from 9-12 on each of the indicated dates.

November 7	Public Employee
21	Lobbyist/Lobbyist's Principal
December 5	Lobbyist/Lobbyist's Principal
15	Public Employee
19	Lobbyist/Lobbyist's Principal
January 9	Lobbyist/Lobbyist's Principal
19	Public Employee

Holidays

The Commission will be observing the following holidays for the remainder of 1997:

November 11	Veteran's Day
27-28	Thanksgiving
December 25-26	Christmas

Annual Report available

The State Ethics Commission's 1996-1997 annual report is now available. The report includes all formal advisory opinions issued along with all complaints that were resolved for the last fiscal year. Copies of the annual report are free. Please contact the Commission office with your request.

Report of Public Relations, Communications, and Legislative Strategy Services

All state agencies or other entities existing that receive an annual appropriation were required to file a report with the State Ethics Commission listing all contracts for public relations, communications, and legislative strategy services. These reports were filed with the State Ethics Commission by June 30. These reports have been compiled into booklet form and are available at no cost. Please call the Commission office with your request. The FY98 appropriations act also includes this same requirement. Forms will be provided toward the end of the fiscal year.

New Ethics Act with index now available

New copies of the Ethics Act with our rules and regulations are now available. The Ethics Act has been compiled with a table of contents as well as an index of subject matter. The new Ethics Acts are spiral bound and cost \$5.00 each. Copies of the Ethics Act in tape bound format are available for \$2.50. These copies do not contain an index or table of contents. Please call the Commission office with your request and be sure to specify which edition of the Ethics Act you wish to purchase.

Commission meeting

The next commission meeting will be held on November 19. Please submit any requests for formal opinions prior to October 31.

Complaints Resolved

On October 7, 1997, the Commission entered into a Consent Order disposing of a complaint filed against Dr. Bobbie A. McEntire, former Director of Planning and Student Services for School District 5 of Lexington and Richland Counties. The complaint was filed by the State Ethics Commission after information was received alleging that government personnel, equipment and materials were used to influence a December 5, 1995 school bond referendum in District 5.

After an investigation, the Commission charged Dr. McEntire with three counts of using government personnel, equipment, and materials in an election campaign. Dr. McEntire admitted to one count and agreed to the consent order.

It was undisputed that Dr. McEntire had an exemplary 35 year service record in the public education system. However, Dr. McEntire agreed to a Public Reprimand, reimbursed the school district \$25 for the cost of time and materials, and paid a fine of \$100.00.

On July 25, 1997, the Commission reprimanded former Greenville County School Board Chairman Wilton C. "Bill" Brooks. As a result of an investigation by the State Ethics Commission, Brooks was charged with two counts of offering a promise of future employment to a public official with the intent to influence the public official in the discharge of his official responsibilities, and two counts of offering to use his official position as Trustee to influence the employment of two candidates for the District Superintendents position, in return for receiving the successful candidate's assistance in hiring a fellow member of the Board to a proposed position of county-wide Athletic Director.

Brooks denied that he intended to influence the successful candidate's actions; however, admitted that his statements created an inference that he may be influenced in his decision of whom to hire as

superintendent, in return for a promise of the future employment of the other Board member.

The Commission stated that "...even assuming Mr. Brook's assertion as true, it is enough that an improper inference was created, albeit indirectly, during the interview process for the Superintendent's position to find a violation of S.C. Code §8-13-705(B)."

The Commission issued a Consent Order, publicly reprimanding Mr. Brooks and ordering him to reimburse the Commission \$231.00 in costs.

Copies of Orders in the above matters may be obtained by contacting the Commission office.

Moonlighting on the job

The State Ethics Commission often gets questions concerning off-duty employment or "moonlighting" as it is commonly called. Such activities may be totally unrelated to the employees' normal official responsibilities or, because of professional expertise, may be closely related.

In prior advisory opinions, the State Ethics Commission has advised that a public employee may engage in outside employment consistent with established guidelines: (1) that no public materials or equipment are utilized, except as provided by Section 8-13-700(A), (2) such work is engaged in on the employee's own time, (3) the work does not interfere with the needs of the agency, and (4) the public position is not utilized to obtain or continue the employment.

Section 8-13-700(A) provides that the use of public resources may occur only when such use is incidental and does not result in any additional public expense.

These guidelines must also be considered in conjunction with agency policy, that is, the agency

may have established off-duty employment guidelines restricting or prohibiting such employment.

If the outside employment involves matters which are regulated by the employee's agency or department, a Statement of Economic Interests must be filed annually. In addition, such work could not continue if there are frequent or continuing conflicts with the outside work.

Employees who engage in off-duty employment are reminded of the provisions of the Ethics Reform Act which address conflicts of interests. If an employee is required to take action or make decisions as an employee which affect the economic interests of the outside employer, the employee must provide his/her supervisor with a statement describing the conflict and shall not take any action or make decisions regarding that matter. The supervisor shall assign the matter to another person who does not have a conflict.

A special statutory provision allows law enforcement officers to engage in certain off-duty work while utilizing equipment provided such work is approved in advance by the appropriate law enforcement official.

If you have further questions, please call the Commission office.

Gifts and the holidays

With the holidays approaching, all public employees, public officeholders, public members, and registered lobbyists/lobbyist's principals are reminded of the prohibitions for accepting and receiving gifts. Section 8-13-700 of the Ethics Reform Act strictly prohibits the use of public office or public employment for financial gain. Furthermore, Section 8-13-705 prohibits the offering, giving, soliciting, or receiving anything of value to influence the actions of a public employee, member, or official.

Lobbyists are prohibited from offering anything of value (meals, lodging, transportation, etc.)

to any member of the General Assembly, constitutional officer, or state official, member, or employee. Lobbyist's principals are prohibited from offering anything of value which exceeds \$25/day or \$200/calendar year and then only in conjunction with the group invitation rules.

Please contact the Commission office if there are further questions.

Files open for public inspection

All forms (except complaints not yet disposed of) submitted to this office are available for public inspection. There is no charge for viewing, but there is a .20 charge for any copies.

Files may be viewed during our office hours. Any large orders for copies may take a couple of days to process and payment is required in advance.

What would you do...?

Q. The husband of a school teacher serves on the school district's board of trustees. The school board is considering the school district budget which includes salary increases for district employees. Should he discuss and vote on the school district budget since it includes his wife's salary increase?

A. Section 8-13-700(B) prohibits a public employee, public official, or public member from knowingly using his official office, membership, or employment to obtain an economic interests for himself or a member of his immediate family. The school board member may vote on general salary increases but may not participate in salary raises for a family member which are not general salary increases. SEC AO92-134.

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